APPROVED JURISDICTIONAL DETERMINATION FORM
U.S. Army Corps of Engineers

SECTION I: BACKGROUND INFORMATION

A. REPORT COMPLETION DATE FOR APPROVED JURISDICTIONAL DETERMINATION (JD): July 3, 2008.

B. DISTRICT OFFICE, FILE NAME, AND NUMBER: **Seattle District,** Catchpole, Stanley, W., NWS-2007-1736-SO.
Name of water being evaluated on this JD form: "Catchpole Easement Wetland"

C. PROJECT LOCATION AND BACKGROUND INFORMATION:
State: Washington County: Pierce City: Tacoma
Center coordinates of site (lat/long in degree decimal format): Lat: 47-11-15 **N**, Long: -122-23-07 **W**
Universal Transverse Mercator: .
Name of nearest waterbody: Squally Creek.
Name of nearest Traditional Navigable Water (TNW) into which the aquatic resource flows: Puyallup River.
Name of watershed or Hydrologic Unit Code (HUC): 17110014.
☒ Check if map/diagram of review area and/or potential jurisdictional areas is/are available upon request.
☐ Check if other sites (e.g., offsite mitigation sites, disposal sites, etc.) are associated with this action and are recorded on a different JD form. List other JDs: _____

D. REVIEW PERFORMED FOR SITE EVALUATION (CHECK ALL THAT APPLY):
☐ Office (Desk) Determination. Date: _____.
☒ Field Determination. Date(s): January 23, 2008, and February 15, 2008.

SECTION II: SUMMARY OF FINDINGS

A. RHA SECTION 10 DETERMINATION OF JURISDICTION.

There **Are no** "*navigable waters of the U.S.*" within Rivers and Harbors Act (RHA) jurisdiction (as defined by 33 CFR part 329) in the review area. [*Required*]
☐ Waters subject to the ebb and flow of the tide.
☐ Waters are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce.
Explain: _____.

B. CWA SECTION 404 DETERMINATION OF JURISDICTION.

There **Are** "*waters of the U.S.*" within Clean Water Act (CWA) jurisdiction (as defined by 33 CFR part 328) in the review area. [*Required*]

1. **Waters of the U.S.**
   a. **Indicate presence of waters of U.S. in review area (check all that apply):** [1]
      ☐ TNWs, including territorial seas
      ☐ Wetlands adjacent to TNWs
      ☐ Relatively permanent waters[2] (RPWs) that flow directly or indirectly into TNWs
      ☐ Non-RPWs that flow directly or indirectly into TNWs
      ☐ Wetlands directly abutting RPWs that flow directly or indirectly into TNWs
      ☐ Wetlands adjacent to but not directly abutting RPWs that flow directly or indirectly into TNWs
      ☒ Wetlands adjacent to non-RPWs that flow directly or indirectly into TNWs
      ☐ Impoundments of jurisdictional waters
      ☐ Isolated (interstate or intrastate) waters, including isolated wetlands

   b. **Identify (estimate) size of waters of the U.S. in the review area:**
      Non-wetland waters: _____ linear feet _____ width (ft) and/or _____ acres.
      Wetlands: ~0.6 acres.

   c. **Limits (boundaries) of jurisdiction** based on: **1987 Delineation Manual.** and **Pick List**
      Elevation of established OHWM (if known): _____.

2. **Non-regulated waters/wetlands (check if applicable):**[3]
   ☐ Potentially jurisdictional waters and/or wetlands were assessed within the review area and determined to be not jurisdictional.
   Explain: _____.

[1] Boxes checked below shall be supported by completing the appropriate sections in Section III below.
[2] For purposes of this form, an RPW is defined as a tributary that is not a TNW and that typically flows year-round or has continuous flow at least "seasonally" (e.g., typically 3 months).
[3] Supporting documentation is presented in Section III.F.

SECTION III: CWA ANALYSIS

A. TNWs AND WETLANDS ADJACENT TO TNWs
If the aquatic resource is a TNW, complete Section III.A.1 and Section III.D.1. only; if the aquatic resource is a wetland adjacent to a TNW, complete Sections III.A.1 and 2 and Section III.D.1.; otherwise, see Section III.B below.

1. TNW
Identify TNW: _____.
Summarize rationale supporting determination: **_____**.

2. Wetland adjacent to TNW
Summarize rationale supporting conclusion that wetland is "adjacent": **_____**.

B. CHARACTERISTICS OF TRIBUTARY (THAT IS NOT A TNW) AND ITS ADJACENT WETLANDS (IF ANY):

A wetland that directly abuts an RPW is also jurisdictional. If the aquatic resource is not a TNW, but has year-round (perennial) flow, skip to Section III.D.2. If the aquatic resource is a wetland directly abutting a tributary with perennial flow, skip to Section III.D.4.

A wetland that is adjacent to but that does not directly abut an RPW requires a significant nexus evaluation. If the waterbody[4] is not an RPW, or a wetland directly abutting an RPW, a JD will require additional data to determine if the waterbody has a significant nexus with a TNW. If the tributary has adjacent wetlands, the significant nexus evaluation must consider the tributary in combination with all of its adjacent wetlands. This significant nexus evaluation that combines, for analytical purposes, the tributary and all of its adjacent wetlands is used whether the review area identified in the JD request is the tributary, or its adjacent wetlands, or both.

If the JD covers a tributary with adjacent wetlands, complete Section III.B.1 for the tributary, Section III.B.2 for any onsite wetlands, and Section III.B.3 for all wetlands adjacent to that tributary, both onsite and offsite. The determination whether a significant nexus exists is determined in Section III.C below.

1. Characteristics of non-TNWs that flow directly or indirectly into TNW

(i) General Area Conditions:
Watershed size: ~90 acres (0.12 mi²) **Pick List**
Drainage area: ~90 acres (0.12 mi²) **Pick List**
Average annual rainfall: 37 inches
Average annual snowfall: N/A inches

(ii) Physical Characteristics:
(a) Relationship with TNW:
☐ Tributary flows directly into TNW.
☒ Tributary flows through **2** tributaries before entering TNW.

Project waters are **2-5** river miles from TNW.
Project waters are **1-2** river miles from RPW.
Project waters are **2-5** aerial (straight) miles from TNW.
Project waters are **1-2** aerial (straight) miles from RPW.
Project waters cross or serve as state boundaries. Explain: No.

Identify flow route to TNW[5]: The "Catchpole Easement Wetland" discharges into a pond which discharges into a swale area on an adjacent property. This swale flows under Pipeline Road in a culvert and enters a small wetland. The wetland descends into a ravine that ends at 72nd Street East. The water flows under 72nd Street East in a culvert that discharges into an uplands area. The uplands area slopes to the north, and evidence of recent overwater flow was evident. From the uplands area, water flows via a swale through several residential backyards (these areas again exhibited evidence of recent overland flow) and discharges into a linear ditch that runs through what appears to be an abandoned agricultural field. The ditch runs to a ditch associated with 64th Street East and passes under the street into a ditch / straightened stream that flows to a stormwater detention facility. The stormwater detention facility discharges into Squally Creek "proper" which flows into a steep ravine to Clear Creek. Clear Creek flows to the Puyallup River, a navigable water of the U.S. Please see attachements for further discussion. _____.
Tributary stream order, if known: 1.

[4] Note that the Instructional Guidebook contains additional information regarding swales, ditches, washes, and erosional features generally and in the arid West.
[5] Flow route can be described by identifying, e.g., tributary a, which flows through the review area, to flow into tributary b, which then flows into TNW.

(b) General Tributary Characteristics (check all that apply):

Tributary is: ☐ Natural
☒ Artificial (man-made). Explain: Storm detention facility was created.
☒ Manipulated (man-altered). Explain: Many reaches of the flow path appear to the straitened.

Tributary properties with respect to top of bank (estimate):
Average width: 1 feet
Average depth: less than 1 foot feet
Average side slopes: **2:1.**

Primary tributary substrate composition (check all that apply):

☐ Silts	☐ Sands	☐ Concrete
☐ Cobbles	☐ Gravel	☐ Muck
☐ Bedrock	☒ Vegetation. Type/% cover: various grasses, and blackberry, see site visit report	

☒ Other. Explain: bare ground in certain areas, see attached site visit report .

Tributary condition/stability [e.g., highly eroding, sloughing banks]. Explain: see attached site visit report.
Presence of run/riffle/pool complexes. Explain: no.
Tributary geometry: **Relatively straight**
Tributary gradient (approximate average slope): 1 to 5 %

(c) Flow:
Tributary provides for: **Intermittent but not seasonal flow**
Estimate average number of flow events in review area/year: **6-10**
Describe flow regime: Flow is tied to storm events south of 64th Street culvert. Flow appears to be relatively permanent north of 64th Street.
.
Other information on duration and volume: Matted vegetation was observed throughout the flow path investigated, which indicates infrequent and short duration flows. If these areas conveyed water more frequently they would exhibit much more defined channels with beds and banks, and/or hydrophytic vegetation, none of which were present. Average annual discharges are estimated to be 0.28ft^3 of 203 acre feet/year at the 64th street culvert, which was where water presence seems to be relatively permanent (This figure was extrapolated from a USGS monitoring station on swan creek which is approximately 0.2 miles from the subject property. See below)

Insert Table.

Surface flow is: **Overland sheetflow.** Characteristics: Multipile, see site visit report..

Subsurface flow: **Pick List**. Explain findings: _____.
☐ Dye (or other) test performed: _____.

Tributary has (check all that apply):
☐ Bed and banks
☒ OHWM[6] (check all indicators that apply):

☐ clear, natural line impressed on the bank	☐ the presence of litter and debris
☐ changes in the character of soil	☐ destruction of terrestrial vegetation
☐ shelving	☐ the presence of wrack line
☒ vegetation matted down, bent, or absent	☐ sediment sorting
☒ leaf litter disturbed or washed away	☒ scour
☐ sediment deposition	☐ multiple observed or predicted flow events
☐ water staining	☐ abrupt change in plant community
☐ other (list): _____	

☐ Discontinuous OHWM.[7] Explain:_____.

If factors other than the OHWM were used to determine lateral extent of CWA jurisdiction (check all that apply):

☐ High Tide Line indicated by:	☐ Mean High Water Mark indicated by:
☐ oil or scum line along shore objects	☐ survey to available datum;
☐ fine shell or debris deposits (foreshore)	☐ physical markings;
☐ physical markings/characteristics	☐ vegetation lines/changes in vegetation types.
☐ tidal gauges	
☐ other (list):	

[6]A natural or man-made discontinuity in the OHWM does not necessarily sever jurisdiction (e.g., where the stream temporarily flows underground, or where the OHWM has been removed by development or agricultural practices). Where there is a break in the OHWM that is unrelated to the waterbody's flow regime (e.g., flow over a rock outcrop or through a culvert), the agencies will look for indicators of flow above and below the break.
[7]Ibid.

(iii) Chemical Characteristics:

Characterize tributary (e.g., water color is clear, discolored, oily film; water quality; general watershed characteristics, etc.).
Explain: Watershed is at the urban / rural fringe, with many farms, septic fields, and other pollutants from roads in lower reaches of Squally Creek.

Identify specific pollutants, if known: fecal coliform.

(iv) Biological Characteristics. Channel supports (check all that apply):

- ☐ Riparian corridor. Characteristics (type, average width): _____.
- ☒ Wetland fringe. Characteristics: Reed canarygrass fringe along ditched sections.
- ☐ Habitat for:
  - ☐ Federally Listed species. Explain findings: _____.
  - ☐ Fish/spawn areas. Explain findings: _____.
  - ☐ Other environmentally-sensitive species. Explain findings: _____.
  - ☐ Aquatic/wildlife diversity. Explain findings: _____.

2. Characteristics of wetlands adjacent to non-TNW that flow directly or indirectly into TNW

(i) Physical Characteristics:

(a) General Wetland Characteristics:

Properties:

Wetland size: ~0.6 acres

Wetland type. Explain: PEMC.

Wetland quality. Explain: low - farmed wetland - also was graded (resolved violation).

Project wetlands cross or serve as state boundaries. Explain: No.

(b) General Flow Relationship with Non-TNW:

Flow is: **Ephemeral flow**. Explain: See site visit report for discussion.

Surface flow is**: Overland sheetflow**

Characteristics: See site visit report for discussion.

Subsurface flow: **Pick List**. Explain findings: unknown, but the soils of the area are hydric. Addtionally, the USGS Clear Creek Study (in Pierce County's Clear/Clarks Creek Basin Plan) notes that the Kapowsin soils in the are area infiltrated 5 ro 15 inches of water a year into shallow aquifers which were noted to significantly contribute to streamflows in the lower portions of the stream basins.

☐ Dye (or other) test performed: _____.

(c) Wetland Adjacency Determination with Non-TNW:

☐ Directly abutting

☒ Not directly abutting

☐ Discrete wetland hydrologic connection. Explain: _____.

☒ Ecological connection. Explain: Indicators in the field show that there is at least an ephemeral connection between the "Catchpole Easement Wetland" and the start of the ditch. But this connection is not confined to a channel or wetland, but rather overland flow. .

☐ Separated by berm/barrier. Explain: _____.

(d) Proximity (Relationship) to TNW

Project wetlands are **2-5** river miles from TNW.

Project waters are **2-5** aerial (straight) miles from TNW.

Flow is from: **Wetland to navigable waters.**

Estimate approximate location of wetland as within the **500-year or greater** floodplain.

(ii) Chemical Characteristics:

Characterize wetland system (e.g., water color is clear, brown, oil film on surface; water quality; general watershed characteristics; etc.). Explain: water is clear.

Identify specific pollutants, if known: none known.

(iii) Biological Characteristics. Wetland supports (check all that apply):

- ☐ Riparian buffer. Characteristics (type, average width): _____.
- ☒ Vegetation type/percent cover. Explain: mowed vegetaion. See Corps Data Sheets for more info.
- ☐ Habitat for:
  - ☐ Federally Listed species. Explain findings: _____.

☐ Fish/spawn areas. Explain findings: _____.
☐ Other environmentally-sensitive species. Explain findings: _____.
☐ Aquatic/wildlife diversity. Explain findings: _____.

3. **Characteristics of all wetlands adjacent to the tributary (if any)**
All wetland(s) being considered in the cumulative analysis: **Pick List**
Approximately (_____) acres in total are being considered in the cumulative analysis.

For each wetland, specify the following:

Directly abuts? (Y/N)	Size (in acres)	Directly abuts? (Y/N)	Size (in acres)
Catchpole Wetland - N	~0.6		

Summarize overall biological, chemical and physical functions being performed: The wetland is at the very "top" of the Squally Creek Watershed. .

C. SIGNIFICANT NEXUS DETERMINATION

1. **Significant nexus findings for non-RPW that has no adjacent wetlands and flows directly or indirectly into TNWs.** Explain findings of presence or absence of significant nexus below, based on the tributary itself, then go to Section III.D: _____.

2. **Significant nexus findings for non-RPW and its adjacent wetlands, where the non-RPW flows directly or indirectly into TNWs.** Explain findings of presence or absence of significant nexus below, based on the tributary in combination with all of its adjacent wetlands, then go to Section III.D: The Catchpole Easement Wetland is at the "top" of the Squally Creek watershed, and it is a possible that before a more discrete surface hydrologic connection existed at some time in the past. Currently, water from the wetland discharges only during precipitation events into a swale and eventually flows over uplands before entering the first non-relatively permanent water, the ditch, which may be a highly modified section of Squally Creek. From this point, the flow path is much simpler, entering a series of ditches before entering a stormwater detention pond that was excavated in Squally Creek. This pond discharges into Squally Creek, which joins Clear Creek, which flows to the Puyallup River, a TNW. The Catchpole wetland is adjacent to the ditch (non-RPW). The Catchpole wetland, along with all other wetlands adjacent to the ditch have a significant nexus to the Puyallup River because the wetlands provide: 1). Chemical Connections: Improvement of water quality by removing sediments and nutrients that would otherwise enter the watershed/watercourse, the wetlands may serve as a nutrient and sediment sink, and the wetlands may play an important role in watershed carbon and nitrogen cycling. 2). Physical Connections: flow maintenance of downstream waters; local groundwater recharge; downstream flow maintenance via local groundwater contributions. 3). Biological Connections: The physical connections support downstream baseflows, which are critical for salmonids, prey species, and other food web support functions in the lower reaches of the Squally Creek / Clear Creek Watershed.
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3. **Significant nexus findings for wetlands adjacent to an RPW but that do not directly abut the RPW.** Explain findings of presence or absence of significant nexus below, based on the tributary in combination with all of its adjacent wetlands, then go to Section III.D: _____.

D. DETERMINATIONS OF JURISDICTIONAL FINDINGS. THE SUBJECT WATERS/WETLANDS ARE (CHECK ALL THAT APPLY):

1. **TNWs and Adjacent Wetlands.** Check all that apply and provide size estimates in review area:
☐ TNWs: _____ linear feet _____ width (ft), or _____ acres.
☐ Wetlands adjacent to TNWs: _____ acres.

2. **RPWs that flow directly or indirectly into TNWs.**
☐ Tributaries of TNWs where tributaries typically flow year-round are jurisdictional. Provide rationale indicating that tributary flows perennial: _____.
☐ Tributaries of TNW where tributaries have continuous flow "seasonally" (e.g., typically three months each year) are jurisdictional. Data supporting this conclusion is provided at Section III.B. Provide rationale indicating that tributary flows seasonally: _____.

Provide estimates for jurisdictional waters in the review area (check all that apply):
☐ Tributary waters: _____ linear feet _____width (ft).
☐ Other non-wetland waters: _____ acres.
Identify type(s) of waters: _____.

3. **Non-RPWs[8] that flow directly or indirectly into TNWs.**

[8]See Footnote # 3.

☐ Waterbody that is not a TNW or an RPW, but flows directly or indirectly into a TNW, and it has a significant nexus with a TNW is jurisdictional. Data supporting this conclusion is provided at Section III.C.

Provide estimates for jurisdictional waters within the review area (check all that apply):
☐ Tributary waters: _____ linear feet _____ width (ft).
☐ Other non-wetland waters: _____ acres.
Identify type(s) of waters: _____.

4. Wetlands directly abutting an RPW that flow directly or indirectly into TNWs.
☐ Wetlands directly abut RPW and thus are jurisdictional as adjacent wetlands.
☐ Wetlands directly abutting an RPW where tributaries typically flow year-round. Provide data and rationale indicating that tributary is perennial in Section III.D.2, above. Provide rationale indicating that wetland is directly abutting an RPW: _____

☐ Wetlands directly abutting an RPW where tributaries typically flow "seasonally." Provide data indicating that tributary is seasonal in Section III.B and rationale in Section III.D.2, above. Provide rationale indicating that wetland is directly abutting an RPW: _____

Provide acreage estimates for jurisdictional wetlands in the review area: _____ acres.

5. Wetlands adjacent to but not directly abutting an RPW that flow directly or indirectly into TNWs.
☒ Wetlands that do not directly abut an RPW, but when considered in combination with the tributary to which they are adjacent and with similarly situated adjacent wetlands, have a significant nexus with a TNW are jurisidictional. Data supporting this conclusion is provided at Section III.C.

Provide acreage estimates for jurisdictional wetlands in the review area: **~0.6** acres.

6. Wetlands adjacent to non-RPWs that flow directly or indirectly into TNWs.
☐ Wetlands adjacent to such waters, and have when considered in combination with the tributary to which they are adjacent and with similarly situated adjacent wetlands, have a significant nexus with a TNW are jurisdictional. Data supporting this conclusion is provided at Section III.C.

Provide estimates for jurisdictional wetlands in the review area: _____ acres.

7. Impoundments of jurisdictional waters.[9]
As a general rule, the impoundment of a jurisdictional tributary remains jurisdictional.
☐ Demonstrate that impoundment was created from "waters of the U.S.," or
☐ Demonstrate that water meets the criteria for one of the categories presented above (1-6), or
☐ Demonstrate that water is isolated with a nexus to commerce (see E below).

E. ISOLATED [INTERSTATE OR INTRA-STATE] WATERS, INCLUDING ISOLATED WETLANDS, THE USE, DEGRADATION OR DESTRUCTION OF WHICH COULD AFFECT INTERSTATE COMMERCE, INCLUDING ANY SUCH WATERS (CHECK ALL THAT APPLY):[10]
☐ which are or could be used by interstate or foreign travelers for recreational or other purposes.
☐ from which fish or shellfish are or could be taken and sold in interstate or foreign commerce.
☐ which are or could be used for industrial purposes by industries in interstate commerce.
☐ Interstate isolated waters. Explain: _____.
☐ Other factors. Explain: _____.

Identify water body and summarize rationale supporting determination: _____

Provide estimates for jurisdictional waters in the review area (check all that apply):
☐ Tributary waters: _____ linear feet _____ width (ft).
☐ Other non-wetland waters: ____ acres.
Identify type(s) of waters: _____.
☐ Wetlands: ____ acres.

F. NON-JURISDICTIONAL WATERS, INCLUDING WETLANDS (CHECK ALL THAT APPLY):
☐ If potential wetlands were assessed within the review area, these areas did not meet the criteria in the 1987 Corps of Engineers Wetland Delineation Manual and/or appropriate Regional Supplements.

[9] To complete the analysis refer to the key in Section III.D.6 of the Instructional Guidebook.
[10] Prior to asserting or declining CWA jurisdiction based solely on this category, Corps Districts will elevate the action to Corps and EPA HQ for review consistent with the process described in the Corps/EPA *Memorandum Regarding CWA Act Jurisdiction Following Rapanos.*

☐ Review area included isolated waters with no substantial nexus to interstate (or foreign) commerce.
  ☐ Prior to the Jan 2001 Supreme Court decision in "*SWANCC*," the review area would have been regulated based solely on the "Migratory Bird Rule" (MBR).
☐ Waters do not meet the "Significant Nexus" standard, where such a finding is required for jurisdiction. Explain: _____.
☐ Other: (explain, if not covered above): _____.

Provide acreage estimates for non-jurisdictional waters in the review area, where the sole potential basis of jurisdiction is the MBR factors (i.e., presence of migratory birds, presence of endangered species, use of water for irrigated agriculture), using best professional judgment (check all that apply):
☐ Non-wetland waters (i.e., rivers, streams): _____ linear feet _____ width (ft).
☐ Lakes/ponds: _____ acres.
☐ Other non-wetland waters: _____ acres. List type of aquatic resource: _____.
☐ Wetlands: _____ acres.

Provide acreage estimates for non-jurisdictional waters in the review area that do not meet the "Significant Nexus" standard, where such a finding is required for jurisdiction (check all that apply):
☐ Non-wetland waters (i.e., rivers, streams): _____ linear feet _____ width (ft).
☐ Lakes/ponds: _____ acres.
☐ Other non-wetland waters: _____ acres. List type of aquatic resource: _____.
☐ Wetlands: _____ acres.

SECTION IV: DATA SOURCES.

A. SUPPORTING DATA. Data reviewed for JD (check all that apply - checked items shall be included in case file and, where checked and requested, appropriately reference sources below):
☐ Maps, plans, plots or plat submitted by or on behalf of the applicant/consultant: _____.
☒ Data sheets prepared/submitted by or on behalf of the applicant/consultant.
  ☒ Office concurs with data sheets/delineation report.
  ☐ Office does not concur with data sheets/delineation report.
☒ Data sheets prepared by the Corps: _____.
☐ Corps navigable waters' study: The waterbody is on the Section 10 Navigable Waterway List for Seattle District. The list is available at www.nws.usace.army.mil click on Regulatory – Regulatory/Permits – Wetlands and Waters of the US – Navigable Waters.

☐ U.S. Geological Survey Hydrologic Atlas: _____.
  ☐ USGS NHD data.
  ☐ USGS 8 and 12 digit HUC maps.
☐ U.S. Geological Survey map(s). Cite scale & quad name: _____
☒ USDA Natural Resources Conservation Service Soil Survey. Citation: _____.
☐ National wetlands inventory map(s). Cite name: _____.
☐ State/Local wetland inventory map(s): _____
☐ FEMA/FIRM maps: _____.
☐ 100-year Floodplain Elevation is: _____ (National Geodectic Vertical Datum of 1929)
☒ Photographs: ☒ Aerial (Name & Date): _____
  or ☒ Other (Name & Date): _____.
☐ Previous determination(s). File no. and date of response letter: _____.
☐ Applicable/supporting case law: _____.
☐ Applicable/supporting scientific literature: _____.
☐ Other information (please specify): _____.

B. ADDITIONAL COMMENTS TO SUPPORT JD: Please see attached documents.